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1 MS. SHOLLENBERGER: Thank you. [Before I begin, I would just like to echo Suzy Snyder's comment that DOE should definitely have another hearing here in Las Vegas. This turnout is incredible, shows that the people here in Las Vegas are concerned about what's going on at Yucca Mountain and they want to speak to the DOE and the DOE has a responsibility, not only a moral responsibility, but a legal responsibility to listen to the concerns of these people. So I'd just like to add my vote to have another hearing here in Las Vegas as well as hearings across the country.]

2 [Recently DOE announced that they would add additional hearings in Chicago, Cleveland and Lincoln, Nebraska, and I think that's great, but in those places, as in Las Vegas, they are not advertising those hearings. They're not encouraging people to come out, and I'm sure that if they get a turnout like this, they will tell those people the same as they've told you, that there's not enough time for everyone to speak and we're really sorry, but I think that the DOE needs to reconsider that.]

My comments tonight, I'd like to focus on the environmental justice issue. A few people have touched on it, but I'd like to focus on it specifically. Before I begin, I'd just like to say that I am -- I'm a senior policy analyst for the Critical Mass Energy Project, Public Citizen, which is a non-profit research, lobbying and litigation organization founded by Ralph Nader in 1971. Public Citizen advocates for consumer protection and for government and corporate accountability and is supported by over 150,000 members throughout the United States.

3... [The DOE's Environmental Im -- Impact Statement is simply unacceptable and should be rewritten, because among several other thing, it fails to adequately address the environmental justice issues. In April of 1995, the Department of Energy developed an environmental justice strategy in accordance with the 1994 Executive Order 20. This document outlines the key goals and components of a thorough and fair assessment of departmental actions with regard to how minority or low income communities will be affected as a result of those actions.]

The Department of Energy's environmental justice strategy supposedly emphasizes community participation and empowerment of the stakeholders and communities. Refocused research is again to reflect a new recognition of various health issues and embraces interagency coordination to ensure environmental justice. I'd just like you to know that it's really hard for me to read that without laughing.

Even with that strategy, the DOE does not consider that minority or low income -- income communities along the transportation routes may have special health or environmental concerns. Instead the DOE approached its environmental justice analysis by first reviewing the proposed action; that is, the Yucca Mountain Repository, to see if it would likely result in high and adverse human health or environmental impacts to the general population and then supposedly checking to see if any identified impacts would disproportionately affect specific minority or low income communities.

With this method, the DOE was unable to identify any environmental justice issues, which is not a surprise. It seems that in order to achieve true environmental justice, the DOE would need to identify all of the minority and low income communities that could potentially be affected and then check to see if there would be any negative impacts to these communities that would be disproportionate to -- to other communities. In other words, the DOE would need to name the transportation routes and do maps along those routes to see where the minority communities are, where the low income communities are.

The DOE's environmental justice strategy lists among its goals to identify minority and low income populations and communities which could be impacted by potential increases in environmental impacts attributable to the departmental operations. It addresses demographic and socioeconomic factors unique

- 3 cont. | to health related issues, multiple contamination sources, multiple exposure possibilities, unique risk scenarios as appropriate in the impact analysis.

It is well-known that low income and minority communities are often located along railroads and highways. Federal regulations allow transportation casks to emit 10 millirem per hour at two meters from the cask surface, which is equivalent to one chest x-ray per hour. If nuclear waste transportation casks are to travel repeatedly through certain minority or low income neighborhoods where children are playing in playgrounds close to the street or where people are sitting in traffic jams next to the casks or on their porches, these communities will be at greater risk than the general population.

The DOE's environmental justice vision statement claims that the DOE will function in a leadership role by focusing on a partnership and participation approach with our stakeholders. That's the DOE's stakeholders, including the general public, affected communities, federal, tribal, state and local government in the early stages of planning in implementing environmental justice procedures. The strategy lists as a goal, quote: "Where appropriate, structure programs to encourage local community groups to participate in departmental decisions which may affect their decisions," end quote.

- 4 | It is possible that the decision to haul the nation's nuclear waste across the country may affect more neighborhoods than any other decision by the Department of Energy. Indeed it will affect over one hundred communities with populations of more than one hundred thousand people. Yet the Department of Energy refuses to name the mode of transportation or the routes that it will use to transport 77,000 metric tons of nuclear waste across the country.

- 5 | Further, it has failed to hold key hearings in several places. It has announced hearings in Chicago and Cleveland, but it's not holding hearings in Hartford, Indianapolis, Los Angeles, Massachusetts, Louisiana, other major cities and states that are likely to lie along those transportation routes, thereby ignoring the goals set forth in the environmental justice strategy.

- 6 | For many years, decisions about where to locate environmental hazards were based on where the people would have the least amount of power to fight against those hazards. In only the recent past, the United States has admitted to this shameful practice and made a commitment to uphold the principles of environmental justice through the president's executive order and the Environmental Protection Agency's environmental justice strategy.

The DOE should not be allowed to revert to past practices in order to push through a decision on Yucca Mountain that could disproportionately threaten the health and well-being of our poorest and least powerful communities. The nuclear industry has been allowed to push its problems on America's citizens for too long. The DEIS should be rewritten and it should accurately classify the impacts to minority and low income communities. Thank you.